

OHIO E.P.A.

JUL 22 2005

ENTERED DIRECTOR'S JOURNAL

Effective Date JUL 22 2005

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:
Village of Salineville
34 Washington Street
Salineville, OH 43945

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Respondent,

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the Village of Salineville, (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water system shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6109 and the rules promulgated thereunder.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Michael A. Shapiro Date 7/22/05

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a "public water system" (PWS), which is also a "community water system" as defined by ORC § 6109.01.
2. Respondent's PWS (PWS ID# 1502111) is located at State Route 39, Salineville, Carroll County, Ohio, 44011.
3. Respondent's PWS obtains its drinking water from a "surface water" source as defined by OAC Rule 3745-81-01 and serves a population of 1,400 persons.
4. In accordance with OAC Rule 3745-81-72(B)(1), each PWS that uses a surface water source, in whole or in part, shall provide disinfection treatment as follows: the total treatment processes of the PWS shall reliably achieve at least 99.9 per cent (3 log) inactivation and/or removal of *Giardia lamblia* cysts and at least a 99.99 per cent (4 log) inactivation and/or removal of viruses, as determined in the appendix of this rule. The appendix sets forth that each day when the actual CT (residual disinfection concentration x contact time) value does not meet or exceed the required CT, the water treatment plant is in violation.
5. In violation of OAC Rule 3745-81-72(B)(1), Respondent failed to provide disinfection treatment of drinking water when the actual CT value during the maximum hourly flow rate did not meet or exceed the required minimum CT value set forth in the appendix of this rule during the months of February 2003 and March 2003.
6. In accordance with OAC Rule 3745-81-73(A)(1), version effective September 13, 1993 until December 31, 2004, all PWSs that use conventional filtration or direct filtration shall meet the following requirement: turbidity levels of representative samples of filtered water shall be less than or equal to 0.5 nephelometric turbidity units (NTU) in at least ninety-five per cent (95%) of the samples analyzed each month.
7. In violation of OAC Rule 3745-81-73(A)(1), version effective September 13, 1993 until December 31, 2004, Respondent failed to provide sufficient filtration of its drinking water when the turbidity levels of representative samples of the filtered water were not less than or equal to 0.5 NTU in at least ninety-five per cent (95%) of the samples analyzed during the months of October 1999, November 1999, December 1999, November 2001, August 2002, September 2002, October 2002, November 2002, December 2002, January 2003, February 2003, March 2003, May 2003, June 2003, July 2003, August 2003, September 2003, October 2003, November 2003, December 2003, January 2004, February 2004, March 2004, April 2004, May 2004, June 2004, August 2004, and September 2004.

8. In accordance with OAC Rule 3745-81-73(A)(1), version effective January 1, 2005, all PWSs that use conventional filtration or direct filtration treatment to treat surface water shall meet the following requirement: turbidity levels of representative samples of filtered water shall be less than or equal to 0.3 nephelometric turbidity units (NTU) in at least ninety-five per cent (95%) of the samples analyzed each month.
9. In violation of OAC Rule 3745-81-73(A)(1), version effective January 1, 2005, the turbidity levels of the representative samples of the filtered water from Respondent's PWS were not less than or equal to 0.3 NTU in at least ninety-five per cent (95%) of the samples analyzed during the month of January 2005.
10. In accordance with OAC Rule 3745-81-74(A), a PWS that uses a surface water source shall conduct turbidity measurements to ensure compliance with OAC Rule 3745-81-73 on representative samples of filtered water at least every four hours that the water treatment plant is in operation.
11. In violation of OAC Rule 3745-81-74(A), Respondent failed to monitor for turbidity at least every four hours that the water treatment plant was in operation during July 2004, October 2004, November 2004, December 2004, January 2 through 11, 2005, February 2005, and March 2005.
12. In accordance with OAC Rule 3745-81-74(B)(1), a PWS using conventional filtration treatment or direct filtration treatment shall also conduct continuous monitoring of turbidity for each individual filter effluent.
13. In violation of OAC Rule 3745-81-74(B)(1), Respondent failed to conduct continuous monitoring of turbidity for each individual filter effluent during January 2005, February 2005, and March 2005.
14. In accordance with OAC Rule 3745-81-74(C)(2), version effective January 1, 2002 until December 31, 2004, a PWS that uses a surface water source and serves three thousand three hundred (3,300) or fewer persons may, with prior approval by the Director, take grab samples of the residual disinfectant concentration of the water entering the distribution system with at least one sample every four hours the water treatment plant is in operation; this grab sampling is in lieu of providing continuous monitoring.
15. In violation of OAC Rule 3745-81-74(C), version effective January 1, 2002 until December 31, 2004, Respondent failed to monitor the residual disinfectant concentration of water entering its distribution system with one grab sample every four hours that the water treatment plant was in operation during the months of July 2004, October 2004, November 2004, December 2004.

16. In accordance with OAC Rule 3745-81-74(D), version effective January 2005 until present, a PWS that uses a surface water source and serves three thousand three hundred (3,300) or fewer persons may, with prior acceptance by the Director, take grab samples of the residual disinfectant concentration of the water entering the distribution system with at least one sample every four hours the water treatment plant is in operation; this grab sampling is in lieu of providing continuous monitoring.
17. In violation of OAC Rule 3745-81-74(D), version effective January 1, 2005 until present, Respondent failed to monitor the residual disinfectant concentration of water entering its distribution system with one grab sample every four hours that the water treatment plant was in operation during the months of January 2005, February 2005, and March 2005.
18. In accordance with OAC Rule 3745-81-74(D), version effective January 1, 2002 until December 31, 2004, a PWS that uses a surface water source shall measure the residual disinfectant concentration at least at the same points in the distribution system and at the same time as total coliforms are sampled.
19. In violation of OAC Rule 3745-81-74(D), version effective January 1, 2002 until December 31, 2004, Respondent failed to monitor the residual disinfectant concentration of drinking water in its distribution system at the same points and same times that it sampled for total coliforms during the months of July 2004, October 2004, November 2004, December 2004.
20. In accordance with OAC Rule 3745-81-74(E), version effective January 1, 2005 until present, a PWS that uses a surface water source shall measure the residual disinfectant concentration at least at the same points in the distribution system and at the same time as total coliforms are sampled.
21. In violation of OAC Rule 3745-81-74(E), version effective January 2005 until present, Respondent failed to monitor the residual disinfectant concentration of drinking water in its distribution system at the same points and same times that it sampled for total coliforms during the months of January 2005, February 2005, and March 2005.
22. In accordance with OAC Rule 3745-81-74(E), version effective January 1, 2002 until December 31, 2004, a PWS that uses a surface water source shall measure and record the parameters necessary to determine the sufficiency of disinfection prior to the first customer as required in OAC Rule 3745-81-72 at the peak hourly flow rate each day the PWS is in operation.
23. In violation of OAC Rule 3745-81-74(E), version effective January 1, 2002 until December 31, 2004, Respondent failed to monitor for the parameters necessary to determine the CT during the peak hourly flow rate during the months of July 2004, October 2004, November 2004, December 2004.

24. In accordance with OAC Rule 3745-81-74(F), version effective January 2005 until present, a PWS using surface water shall measure and record the parameters necessary to determine the sufficiency of disinfection prior to the first customer as required in OAC Rule 3745-81-72 at the peak hourly flow rate each day the PWS is in operation.
25. In violation of OAC Rule 3745-81-74(F), version effective January 2005 until present, Respondent failed to monitor for the parameters necessary to determine its CT during the maximum hourly flow rate during the months of January 2005, February 2005, and March 2005.
26. In accordance with OAC Rule 3745-81-75, version effective January 1, 2002 until December 31, 2004, a PWS that uses a surface water source shall report monthly to the Director specified information. Turbidity determinations, disinfection information, and total chlorine requirements.
27. In violation of OAC Rule 3745-81-75, version effective January 1, 2002 until December 31, 2004, Respondent failed to report monthly to the Director the following information: Turbidity determinations, disinfection information, and total chlorine requirements for the months of July 2004, October 2004, November 2004, and December 2004.
28. In accordance with OAC Rule 3745-81-75, version effective January 2005 until present, a PWS that uses a surface water source shall report monthly to the Director specified information. Turbidity determinations, individual filter turbidity monitoring, disinfection information, and total chlorine requirements.
29. In violation of OAC Rule 3745-81-75, version effective January 2005 until present, Respondent failed to report monthly to the Director the following information: turbidity determinations, individual filter turbidity monitoring, disinfection information, and total chlorine requirements for the months of January 2005, February 2005, and March 2005.
30. In accordance with OAC Rule 3745-81-33, any owner or operator of a PWS subject to the provisions of OAC Chapter 3745-81 shall retain on its premises or at a convenient location near its premises records of bacteriological analyses, chemical analyses, and actual laboratory reports.
31. In violation of OAC Rule 3745-81-33, Respondent failed to maintain the actual laboratory reports from September 1999 through October 2004.
32. In accordance with OAC Rule 3745-83-01, the operator of a community water system shall prepare an operation report for each month of operation on forms provided by the Director and shall submit the reports to the appropriate district office no later than the tenth of the month following the end of a period.

33. In violation of OAC Rule 3745-83-01, Respondent failed to provide the Ohio EPA, Northeast District Office (NEDO), Division of Drinking and Ground Waters (DDAGW) with a copy of the monthly operating report (MOR) no later than the tenth of the month for April 2004, May 2004, June 2004, July 2004, October 2004, November 2004, December 2004, and March 2005. Respondent untimely submitted MORs for April 2004, May 2004, and June 2004 on January 3, 2005.
34. In accordance with OAC Rule 3745-81-77(F)(2), a PWS using surface water must achieve the required Step 1 total organic carbon (TOC) reductions based upon specified source water parameters measured according to OAC Rule 3745-81-27.
35. In violation of 3745-81-77(F)(2), Respondent failed to achieve the per cent reduction of TOC as specified between the source water and the combined filter effluent for the monitoring period of January 2004 through December 2004. A review of the quarterly operating reports (QORs) during this compliance period indicated the TOC removal compliance value for 2004 was 0.68 mg/L, which is less than the minimum value of 1.0 mg/L.
36. In accordance with OAC Rule 3745-95-04(A), an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the supplier of water or the Director, a health, pollutional, or system hazard to the PWS exists.
37. In violation of OAC Rule 3745-95-04(A), Respondent failed to properly implement a backflow prevention program to ensure that backflow prevention devices were installed since at least July 1998 to the effective date of these Orders.
38. On December 17, 1999, the Director issued a chemical contaminant monitoring schedule to Respondent (2000 monitoring schedule) for the compliance period that began on January 1, 2000 and ended on December 31, 2000.
39. In accordance with OAC Rule 3745-81-24 and Respondent's 2000 monitoring schedule, Respondent was required to monitor for synthetic organic chemicals (SOCs) during the May through July 2000 monitoring period.
40. In violation of OAC Rule 3745-81-24 and Respondent's 2000 monitoring schedule, Respondent failed to monitor for SOC's during the May through July 2000 monitoring period. Respondent monitored untimely for SOC's on June 15, 2001.
41. In accordance with OAC Rule 3745-81-26 and Respondent's 2000 monitoring schedule, Respondent was required to monitor for radiologicals during the January through June 2000 monitoring period.
42. In violation of OAC Rule 3745-81-26 and Respondent's 2000 monitoring schedule, Respondent failed to monitor for radiologicals during the January through June 2000 monitoring period. Respondent monitored untimely for radiologicals June 15, 2001.

43. In accordance with OAC Rule 3745-81-23 and Respondent's 2000 monitoring schedule, PWSs with a surface water source are required to monitor monthly to determine compliance with the maximum contaminant level (MCL) for nitrate in OAC Rule 3745-81-11.
44. In violation of OAC Rule 3745-81-23 and Respondent's 2000 monitoring schedule, Respondent failed to monitor to determine compliance with the MCL for nitrate in April 2000. Respondent monitored untimely for nitrate on May 9, 2000.
45. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty samples per month is in compliance with the MCL for total coliforms when no more than one sample during a month is total coliform-positive.
46. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the monthly microbiological MCL for the month of September 2000 when more than one sample was total coliform-positive.
47. In accordance with OAC Rule 3745-81-14(C)(4), any total coliform-positive repeat sample following an *E. coli*-positive routine sample constitutes an acute MCL violation for total coliforms.
48. In violation of OAC Rule 3745-81-14(C)(4), Respondent exceeded the acute microbiological MCL for the month of September 2000 when a total coliform-positive repeat sample was obtained after several *E. coli*-positive routine samples were obtained in the beginning of the month.
49. In accordance with OAC Rule 3745-81-21(A), PWSs shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a bacteriological sample siting plan. Such plans are subject to review and revision by the Director.
50. In violation of OAC Rule 3745-81-21(A), Respondent has failed to prepare and maintain a bacteriological sample siting plan for the collection of total coliform routine samples at sites which are representative of water throughout the distribution system from June 6, 2001 until the effective date of these Orders.
51. In accordance with OAC Rule 3745-81-70, community water systems that treat their water with chlorine shall develop and implement a disinfection sample monitoring plan (SMP). Surface water systems serving less than 3,300 people must have an SMP completed by January 31, 2004.
52. In violation of OAC Rule 3745-81-70, Respondent has failed to prepare and maintain a SMP from February 1, 2004 until the effective date of these Orders.

53. In accordance with OAC Rule 3745-83-01(D), community water systems shall maintain a minimum pressure of twenty pounds per square inch gage at ground level at all points in the distribution system under all conditions of flow other than conditions caused by line breaks, extreme fire flows, or other extraordinary circumstances.
54. In violation of OAC Rule 3745-83-01(D), Respondent has failed to maintain a minimum pressure of twenty pounds per square inch gage at ground level at all points in the distribution system under all conditions of flow on a daily basis since at least July 1998 to the effective date of these Orders.
55. In accordance with OAC Rule 3745-96-02, each community water system shall deliver a consumer confidence report (CCR) to its customers and meet the requirements of OAC Rule 3745-96-03 by July first annually. Each CCR shall contain data collected during, or prior to, the previous calendar year as prescribed in OAC Rule 3745-96-02.
56. In violation of OAC Rule 3745-96-02(D)(4)(e), Respondent failed to provide the proper language regarding the turbidity violations in the 2003 CCR.
57. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations.
58. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for nitrate during the month of April 2000.
59. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to monitor for radiologicals during the January through June 2000 monitoring period.
60. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification for failing to provide MORs during the months of April 2004, May 2004, June 2004, July 2004, October 2004, November 2004, and December 2004.
61. Each of the violations cited above represents a separate violation of ORC § 6109.31.

V. ORDERS

1. Within thirty (30) days of the effective date of these Orders, Respondent shall notify the public, in accordance with OAC Rule 3745-81-32, for the violations identified in Findings #58, #59, and #60. Respondent shall provide Ohio EPA with copies of all public notices and verification forms.

2. Within sixty (60) days of the date of non-compliance with any treatment technique requirements of OAC Rules 3745-81-72 and 3745-81-73, Respondent must make interim improvements to the water treatment plant. Improvements may consist of, but are not limited to, optimization of the existing chemical feed, installation of alternative chemical feed equipment for addition of polymers/chemicals to improve turbidity removal, and/or rebuilding the filters. Detail plans are required to be approved by the Ohio EPA prior to any major substantial change in a PWS.
3. Within seventy-five (75) days of the effective date of these Orders, Respondent shall initiate procedures, in accordance with OAC Rule 3745-81-72(B), which prevent source water from entering the water treatment plant at times when treatment is not provided. Conventional filtration establishes minimum requirements for inactivation or removal of Cryptosporidium, Giardia Lamblia, and Viruses.
4. Within seventy-five (75) days of the effective date of these Orders, Respondent shall monitor continuously for individual turbidity effluent every fifteen (15) minutes by providing each filter with individual turbidimeters to comply with the requirements of OAC Rule 3745-81-74 that became effective on January 1, 2005. Respondent shall install equipment at the water treatment plant which will continuously record turbidity values to ensure compliance with OAC Rule 3745-81-74(D).
5. Within thirty (30) days of the effective date of these Orders, Respondent shall install equipment which will continuously record the free and combined chlorine values at the water treatment plant tap to ensure compliance with OAC Rule 3745-81-74(D).
6. Within one month from the effective date of these Orders, Respondent shall send written notification as to the status of the Phase 2B Distribution Improvements. The Phase 2B plan consist of installing a booster pump station on Foundry Hill Road and a booster pump and hydropneumatic tank station on Old Monroeville/Salineville Road, and a 70,000 gallon water storage tank on State Route 644.
7. Within four (4) months from the effective date of these Orders, Respondent shall submit a General Plan (three copies), in accordance with OAC Rule 3745-91-02(C), to Ohio EPA, NEDO, DDAGW, 2110 East Aurora Road, Twinsburg, Ohio 44087, for review and approval. The General Plan shall describe the construction of the new water treatment plant, and shall include a detailed compliance schedule with applicable milestone dates of significant events that are necessary to attain compliance. Additionally, the General Plan shall include:
 - (i) an assessment of current and reasonably foreseeable requirements based on monitoring data from the proposed source water;
 - (ii) a description of alternatives considered and the rationale for the approach selected to provide water service;

- (iii) a complete a hydrological study to demonstrate the existing drainage basin can provide an adequate raw water supply (Ohio EPA, DDAGW has a long-standing "Design Criteria" of requiring raw water storage to be in excess of 270 days of design average daily demand);
 - (iv) an engineering description of the existing facilities and the facilities to be constructed, including the construction phases and plans for future expansion; and
 - (v) the engineering description shall include an estimate of all the costs of any required construction, operation, maintenance, and anticipated sources of funds to cover estimated costs.
8. If Ohio EPA approval of the General Plan indicates that a pilot study or demonstration study is not necessary, Orders #9 through #12 would not be required.
9. Not later than two (2) months from the approval of the General Plan, Respondent shall submit a pilot study protocol to Ohio EPA, NEDO, DDAGW, for review and approval. The pilot study protocol shall describe the procedures necessary to evaluate the source water for the water treatment system identified as the preferred alternative in the General Plan.
10. If Ohio EPA should require any revisions to the pilot study protocol, Respondent shall make any such changes or modifications and/or submit any additional information to Ohio EPA, NEDO, DDAGW, within one (1) month of receiving a comment letter from Ohio EPA.
11. Within one (1) month from the approval of the pilot study protocol, Respondent shall conduct a pilot scale demonstration study. The pilot scale demonstration study should be conducted for at least two thousand (2000) hours and incorporate information from four (4) seasons; these hours may vary if acceptable data is submitted in conjunction with Ohio EPA Policy #ENG-05-001, dated September 16, 2003, entitled "Guidelines for Obtaining Approval of Membranes to Meet Particulate and Microbiological Removal Requirements for Surface Water Treatment."

Within two (2) months after the completion of the pilot study, Respondent shall submit a report in which the data collected, results of the data analysis, and the conclusions and recommendations are presented in an acceptable format to Ohio EPA, NEDO, DDAGW, for review and approval. Data should also be submitted in an agreed upon electronic format. The report should also include all other data collected during start-up prior to each test period. For each operation mode performed during the demonstration study, the pertinent parameters (raw water

source, chemical type and dose, pH, etc.) should be clearly defined and presented in the report.

12. If Ohio EPA should require any revisions to the pilot study, Respondent shall make any changes or modifications and/or submit any additional information to Ohio EPA, NEDO, DDAGW within one (1) month of receiving a comment letter from Ohio EPA. If the pilot study is not acceptable because the treatment failed to demonstrate sufficient consistent and reliable treatment, a revised pilot study protocol is required to be submitted to Ohio EPA, NEDO, DDAGW within three (3) months of receiving a written comment letter from Ohio EPA indicating such.
13. Within nine (9) months after pilot report approval (if required), Respondent shall submit detail plans to Ohio EPA, NEDO, DDAGW for the construction of a water treatment plant in accordance with OAC Chapter 3745-91. If it is determined that a pilot is not necessary, detail plans shall be submitted within nine (9) months from the approval of the General Plan.
14. If Ohio EPA should require any revisions to the detail plans (Order #13), Respondent shall make any changes or modifications and/or submit any additional information to Ohio EPA, CO, DDAGW, within one (1) month of receiving a comment letter from Ohio EPA.
15. Within four (4) months of detail plan approval, Respondent shall award the contract for the construction of the new water treatment plant.
16. Within two (2) months from the award of the contract, Respondent shall begin construction of the new water treatment plant.
17. Within eighteen (18) months of beginning construction, in accordance with detail plans (Order #11) approved by Ohio EPA and OAC Chapter 3745-91, Respondent shall complete construction of the new water treatment plant to meet all applicable treatment requirements of OAC Chapter 3745-81 and OAC Rule 3745-91-09.
18. Within three (3) months of operating the new water treatment plant, Respondent shall cease operation and physically separate the existing water treatment plant from the distribution system.
19. Within ten (10) business days after the deadlines given in Order #16, #17, and #18, Respondent shall send written notification of compliance with the requirements of each of the Orders to Ohio EPA, NEDO, DDAGW.
20. Within sixty (60) days of the effective date of these Orders, Respondent shall submit to Ohio EPA, NEDO, DDAGW, a bacteriological sample siting plan in accordance with OAC Rule 3745-81-21.

21. Within sixty (60) days of the effective date of these Orders, Respondent shall submit to Ohio EPA, NEDO, DDAGW, a SMP in accordance with OAC Rule 3745-81-70.
22. Respondent shall submit monthly MORs and QORs to Ohio EPA, NEDO, DDAGW no later than the tenth of the month following the end of a period for which the report was prepared beginning with the month following the effective date of these Orders, in accordance with OAC Rule 3745-83-01.
23. Within thirty (30) days of the effective date of these Orders, Respondent must submit written verification to Ohio EPA, NEDO, DDAGW that a new door to the chlorine room has been properly installed and secured.
24. Respondent shall retain on the premises of the water treatment plant or at a convenient location near the premises all records required by OAC Rule 3745-81-33.
25. Respondent shall comply with its chemical contaminant monitoring schedule for the calendar year 2005 and all subsequent monitoring schedules issued by Ohio EPA.
26. Respondent shall pay Ohio EPA eleven thousand dollars (\$11,000.00) in settlement of Ohio EPA's claim for civil penalties which may be assessed pursuant to ORC Chapter 6109, for the violations cited herein. Respondent shall satisfy this penalty amount as follows:
 - a. Respondent shall pay to the Ohio EPA the amount of six thousand dollars (\$6,000.00) in four installments of one thousand, five hundred dollars (\$1,500.00) in settlement of the Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC Chapter 6109. The first installment shall be due within 90 days of the effective date of these Orders. The second installment shall be due within 180 days of the effective date of these Orders. The third installment shall be due within 270 days of the effective date of these Orders. The final installment shall be due within 365 days of the effective date of these Orders. These payments shall be made by tendering a certified check for said amount drawn to the "Treasurer, State of Ohio" and submitted to Fiscal Administration, General Accounting Section, Ohio EPA, P. O. Box 1049, Columbus, Ohio 43216-1049, for deposit into the Drinking Water Protection Fund established by ORC § 6109.30.
 - b. In lieu of payment of the remaining \$5,000.00 of the civil penalty, Respondent shall implement a Supplemental Environmental Project (SEP) consisting of the dredging of Respondent's water reservoir to increase raw water storage capacity. Respondent shall complete its dredging in accordance with the following schedule:

- i. Within four (4) months from the effective date of these Orders, Respondent shall submit plans (including but not limited to disposal procedures with regard to the dredged materials) outlining the dredging project. If Ohio EPA identifies any deficiencies in Respondent's plans, Ohio EPA will notify Respondent in writing. Respondent shall, within fourteen (14) days of receiving Ohio EPA's comments, respond in writing to address these deficiencies;
 - ii. On the date construction of the new water treatment plant commences under Order #16, Respondent shall initiate dredging in accordance with the approved plan; and
 - iii. Within sixty (60) days after initiation of dredging, Respondent shall complete dredging in accordance with the approved plan.
 - iv. Within seven (7) days after the deadlines given in Orders #26b.ii. and #26b.iii., Respondent shall send written notification of compliance with the requirements of each Order to Ohio EPA, NEDO, DDAGW.
- c. Should Respondent fail to complete the SEP within the required timeframes in Order #23b, Respondent shall pay to Ohio EPA \$5,000.00 of the civil penalty in accordance with the procedures in Order #23a. Payment shall be due within thirty (30) days of the deadline set forth in Order #23b.iii.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's DDAGW acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is as defined in OAC Rule 3745-33-03(D)(4) for a municipal facility.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the operation of Respondent's PWS.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders (with the exception of the penalty payment referenced in Order #26) shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Drinking and Ground Waters
2110 East Aurora Road
Twinsburg, Ohio 44087-1969
Attn: Enforcement Coordinator

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in

lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity. Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

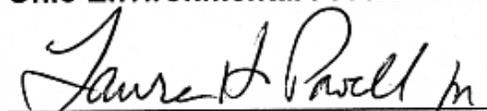
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



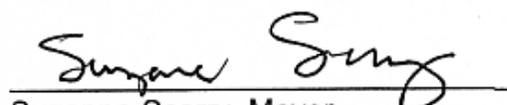
Joseph P. Koncelik, Director

JUL 22 2005

Date

IT IS SO AGREED:

Village of Salineville



Suzanne Scarry, Mayor

July 5-05

Date